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Maryland Roadside Tree Care Expert Exam Study Guide

For Exam Domain:

Chapter 1: Tree Laws and Standards

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The Maryland Roadside Tree Care Expert class will discuss four of Maryland's laws that the certified Roadside Tree Care Expert is likely to encounter. They are:

1. Tree Expert Law
2. Roadside Tree Law
3. Reforestation Law
4. Forest Conservation Law

1. Tree Expert Law

Under the Maryland Tree Expert Law, any person performing or advertising commercial (for compensation) tree care in the State of Maryland must obtain a Tree Expert License from the Maryland Department of Natural Resources (DNR) Forest Service. Any person who has not obtained this license may not advertise a tree expert business, trim, or remove trees for monetary compensation, or operate a tree expert business.

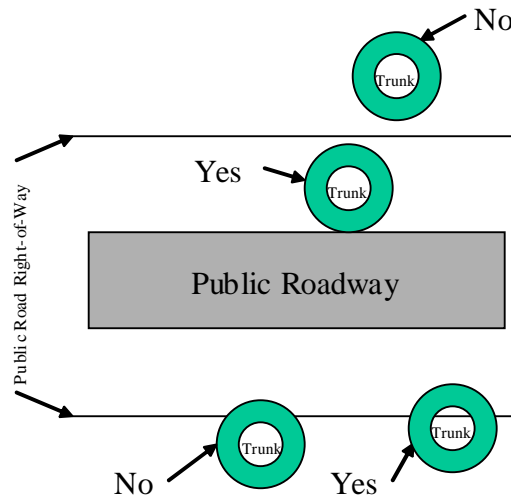
To obtain a license, the applicant must possess adequate and related college education plus one year of experience under a LTE; or, have five years experience under a Licensed Tree Expert (LTE); then, have passed an exam and carry adequate amounts of liability and property damage insurance. The Department may permanently revoke or temporarily suspend the license of any LTE who is found guilty of any fraud or deceit in obtaining the license, or negligence or wrongful conduct in the practice of tree culture or care.

A Maryland Certified Roadside Tree Care Expert is someone who works for a governmental agency and supervises that agency's tree care programs and is certified by the Maryland Department of Natural Resources. A Maryland Licensed Tree Expert is someone who works in the private sector and is licensed by the DNR. A Certified Roadside Tree Care Expert may **not** operate independently of his/her public agency job in the work or business of a tree expert without obtaining a Tree Expert License.

A conviction for an offense under the Maryland Tree Expert law is punishable by a fine or up to one year imprisonment, or both, plus court costs.

2. Roadside Tree Law

The Maryland Roadside Tree Law was passed in 1914 to protect our roadside trees by ensuring their proper care and protection and their compatibility with an efficient and dependable public utility system. Before a roadside tree is planted, trimmed, or cared for in any way, a Tree Care Permit must be obtained from the Maryland DNR Forest Service. *Tree care* is defined as any treatment that affects the health or growth of a roadside tree, including removal. A *roadside tree* is any plant with a woody stem that grows all, or in part, within a public road right-of-way.



Permits are a good tool to help protect our roadside trees. Permits may be requested by a person whose property abuts the right-of-way at the location of the tree or an agency charged with managing the group of trees that the tree is part of. Issuance of Tree Care Permits is important to ensure:

- Only beneficial and necessary tree trimming, root cutting, fertilization, or other maintenance practices will be done and done correctly to roadside trees.
- Tree hazards are documented and corrective action, including removal and replacement, is done in a timely and safe manner by trained professionals (Licensed Tree Experts or Roadside Tree Care Experts).
- The right tree (correct type) is planted in the right location, thereby avoiding future problems and conflicts with sidewalks, overhead and underground utilities, and sight distances.

The permit procedure requires that the **property owner** who has a roadside tree (within the public road right-of-way) in front of his/her property signs the application. If the roadside tree straddles two properties, both **owners** must sign the same application. The permit itself does not grant permission to do the tree work. Permission must be granted by the tree owner.

Maryland has adopted the so-called Massachusetts Rule that limits a landowner's remedy against encroaching vegetation to "self-help" in nearly all circumstances. A landowner must assume responsibility for the care and preservation of his or her own property. This means that a

neighbor can cut back encroaching limbs or roots of an adjoining neighbor's tree to the property line, but they:

- May not destroy the tree by the pruning;
- May not cut down the tree itself;
- Must stop at the boundary line, unless they have the neighbor's permission.

Any person who trespasses and removes trees without the owners permission, unless they work for a public service company or a public roads agency, is liable for any surveys or appraisals needed, court costs that may incurred, and triple the amount of the value of the trees or timber cut.

When tree care is performed on a roadside tree without a permit, a fine may be assessed or more severe actions taken by the Department of Natural Resources. A person may cut down or prune a roadside tree without a permit only if the tree:

- Is uprooted or broken and in contact with an electric line;
- Its branches are in immediate danger to persons or property;
- Stands within the right-of-way of a dedicated but unimproved road.

When root pruning or cutting trenches around roadside trees, the maximum diameter root that may be cut without approval of the Forest Service is one inch.

Roadside Tree Blanket permits are issued to **State agencies, counties and municipalities** for continuing programs of general tree care. This may also include removal of live trees if the agency has a Certified Roadside Tree Care Expert on staff. Roadside Tree Individual (RTI) permits are issued for a specific tree or group of trees for specific tree care operations. Individual projects are not covered by blanket permits.

3. Reforestation Law

When highway construction using state funds causes the cutting or clearing of one acre or more of forested lands, the Maryland Reforestation Law requires that these trees be replaced. Replacement is one acre planted for one acre removed. This law mostly affects new highway construction.

4. Forest Conservation Law

Any activity requiring an application for a subdivision, grading permit or sediment control permit on areas 40,000 square feet or greater is subject to the Forest Conservation Act and will require a Forest Conservation plan.

For further information, check the Maryland Forest Service internet site at:

<http://www.dnr.state.md.us/forests/treelaws>